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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,062	06/24/2003	Satoru Kiyohara	58604-028	9883
<div>7590 McDermott, Will &amp; Emery 600 13th Street, N.W. Washington, DC 20005-3096</div>			<div>EXAMINER DICKERSON, CHAD S</div>	
			<div>ART UNIT 2625</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 05/01/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/602,062	KIYOHARA, SATORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chad Dickerson	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 6/24/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "121" has been used to designate both the control unit and the image memory. The reference numeral should be --120 --. The Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1: the claim recites the limitation "said print" in line 10. There is insufficient antecedent basis for this limitation in the claim. It is suggested to change "said print" to -- a print --.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Walter (US Pat No 4977832).

Re claim 1: Walter '832 discloses a method and apparatus for coordinating a printing press control with a hard copy image, comprising:

a touch sensitive control panel (1) for adjusting the opening degrees of said ink keys (i.e. in the background of the invention, it discloses a control console that has ink control keys that have the ability to increase or decrease the zone in which the ink is used. When using the ink keys, the increasing and decreasing of the ink zones is analogous to the opening degree of the ink keys since these methods both adjust the amount of ink being used to print in a certain area. Also, later described in a preferred embodiment, the control panel is touch sensitive, since the ink keys (5 and 6) are adjusted by the user's touch; see fig. 1; col. 1, lines 9-36 and col. 4, lines 16); and

means for displaying (9), in superimposition on said control panel, key control switches for adjusting the opening degrees of said ink keys and an image of said print being processed (i.e. using a touch screen, the image is divided in a zone-by-zone basis and the user uses the touch screen to decrease or increase the ink zone

according to the amount desired to be supplied to the press. In this case, the touch screen acts as the control panel; see fig. 1; col. 6, lines 28-49).

Re claim 2: Walter '832 discloses a printing machine, wherein said key control switches are displayed as superimposed on the image of said print being processed, by transmitting said key control switches through the image of said print (i.e. the controls that are used to adjust the ink zone are on the actual image on the electronic display. It is inherent that the control switches are transmitted through the image of the print in the device of Walter '832; see fig. 1; col. 6, lines 28-49).

Re claim 3: Walter '832 discloses a method and apparatus for coordinating a printing press control with a hard copy image, comprising:

a touch sensitive control panel for adjusting the opening degrees of said ink keys (i.e. in the background of the invention, it discloses a control console that has ink control keys that have the ability to increase or decrease the zone in which the ink is used. When using the ink keys, the increasing and decreasing of the ink zones is analogous to the opening degree of the ink keys since these methods both adjust the amount of ink being used to print in a certain area. Also, later described in a preferred embodiment, the control panel is touch sensitive, since the ink keys (5 and 6) are adjusted by the user's touch; see fig. 1; col. 1, lines 9-36 and col. 4, lines 16);

an image memory for storing an image of said print being processed (i.e. in the background of the invention, the hard copy image in printed form is scanned and then

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stored for later display on the same screen which displays the control information; see col. 1, lines 9-63 and col. 2, lines 1 and 2); and

a control unit for displaying, in superimposition on said control panel, key control switches for adjusting the opening degrees of said ink keys (i.e. using a touch screen, the image is divided in a zone-by-zone basis and the user uses the touch screen to decrease or increase the ink zone according to the amount desired to be supplied to the press. In this case, the touch screen acts as the control panel; see fig. 1; col. 6, lines 28-49), the color density of said print measured by said color density measuring means (i.e. in the background of the invention, the conventional system would display the ink density values measured by the system. The ink density is analogous to the color density since a density measuring device, or color densitometer, measures the density of the ink, regardless of color. Although, different colors may have different densities, it is still clear that the ink on a particular surface is measured for a density value; see fig. 1; see col. 1, lines 9-63; col. 2, lines 1 and 2; col. 4, lines 1-16 and col. 9, lines 28-57), and an image of said print being processed (i.e. the ink control information is superimposed on the image and the density values can be superimposed on the display with the actual image of the form being printed, so in light of these elements, the above feature is performed; see col. 1, lines 37-57 col. 3, lines 59-66; col. 4, lines 1-16 and col. 6, lines 28-49).

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Re claim 4: Walter '832 discloses a printing machine, wherein said key control switches and the color density of said print measured by said color density measuring means are displayed as superimposed on the image of said print being processed (i.e. the touch screen can be used to adjust the ink key zones by increasing or decreasing the parameter from the electric display (9). Also, the system has the feature of displaying control information like ink density information on the display screen (7), which is apart of the electric display (9). Therefore, the above feature is performed; see fig. 1; see col. 3, lines 59-66; col. 4, lines 1-16 and col. 28-49), by transmitting said key control switches and said color density through the image of said print (i.e. it is clear that both the ink key zone adjusters and the density values are transmitted through the image since both of these factors are on the screen being transmitted on or through the image; see col. 3, lines 59-66; col. 4, lines 1-16 and col. 28-49).

### ***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jeschke et al discloses an Assembly for influencing inking in printing machines, Shiraishi discloses a method of and device for managing print colors, and image data processing device, Shiki et al discloses an Ink supply control apparatus and Foerster et al discloses an indicating device for a printing machine for superimposing ink key setting values on an image to be printed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Dickerson whose telephone number is (571)-270-1351. The examiner can normally be reached on Mon. thru Thur. 9:00-6:30 Fri. 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571)- 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CD/   
Chad Dickerson  
April 25, 2007

  
AUNG S. MOE  
SUPERVISORY PATENT EXAMINER

4/26/07